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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/901,155	07/10/2001	John E. Schommer		7088

24955 7590 11/12/2004

ROGITZ & ASSOCIATES  
750 B STREET  
SUITE 3120  
SAN DIEGO, CA 92101

EXAMINER

KIM, CHRISTOPHER S

ART UNIT PAPER NUMBER

3752

DATE MAILED: 11/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/901,155

**Applicant(s)**

SCHOMMER, JOHN E.

**Examiner**

Christopher S. Kim

**Art Unit**

3752

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 25-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 25-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Amendment***

1. Amendment filed September 1, 2004 is acknowledged.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### ***Claim Rejections - 35 USC § 102***

3. Claims 25-29, 32-36 are rejected under 35 U.S.C. 102(b) as being anticipated by Reed et al. (5,548,866).

Reed discloses a cleaning device comprising: an elongated handle 30 having a water connector 320 and valve 340; an elongated hollow jet manifold 656; plural nozzles 658; a forward wing 646; a rear wing 644, 616; at least one wheel 608.

4. Claims 32-36 are rejected under 35 U.S.C. 102(b) as being anticipated by Briar (4,200,236).

Briar discloses a cleaning device comprising: an elongated handle 4 having a water connector 43 and valve 45; an elongated hollow jet manifold 20-22; plural nozzles 6; a forward wing 2,12, 24 (forward portion of ; a rear wing 24, 11; at least one wheel 28.

### ***Claim Rejections - 35 USC § 103***

5. Claims 37 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Briar (4,200,236) in view of Nelson (4,730,786).

Briar discloses the limitations of the claimed invention with the exception of the filter. Nelson discloses a frusto-conical filter 66. It would have been obvious to a person having ordinary skill in the art at the time of the invention to have provided the filter of Nelson to the device of Briar to filter the water.

6. Claims 30, 31 37 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reed et al. (5,548,866) in view of Nelson (4,730,786).

Reed discloses the limitations of the claimed invention with the exception of the filter. Nelson discloses a frusto-conical filter 66. It would have been obvious to a person having ordinary skill in the art at the time of the invention to have provided the filter of Nelson to the device of Reed to filter the water.

### ***Response to Arguments***

7. Applicant's arguments filed September 1, 2004 have been fully considered but they are not persuasive.

Applicant argues that the manifold 656 of Reed is not engaged with a lower end portion of the handle 30. Handle 30 including the housing up to and connected to manifold 656 has been considered to meet applicant's claimed "elongated handle."

Applicant argues that rear wing 644 and 616 of Reed does not have front transverse edges engaged with the jet manifold. Rear wing 644, 616 have front transverse edges engaged with the jet manifold at dam 675 of manifold 656.

Applicant argues that Reed does not teach the Venturi effect. The Venturi effect is inherent in Reed. The water exiting nozzles 658 undergoes expansion in the area of dam 675 creating low pressure which draws in the air flow 664, 666.

Applicant argues that Briar's rear wing does not engage the manifold. Briar's rear wing 24, 11 engages manifold 20, 22 at the mid portion of 24 (see figure 5). The forward half of element 24 (along with element 12) has been considered to read on applicant's claimed forward wing and the rear half of element 24 (along with element 11) has been considered to read on applicant's claimed rear wing.

### ***Conclusion***

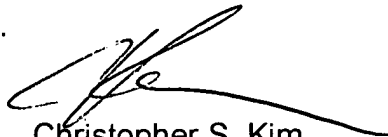
8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher S. Kim whose telephone number is (703) 308-8336. The examiner can normally be reached on Monday - Thursday, 6:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Scherbel can be reached on (703) 308-1272. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Christopher S. Kim  
Primary Examiner  
Art Unit 3752

CK